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Model Nuisance Ordinance

Commonwealth of Pennsylvania
Department of Health
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Model nuisance ordinance

Model Nuisance Ordinance

The authority for the enactment of ordinances pertaining to public nuisances as affecting the public health is derived from the Constitution of Pennsylvania, and enforced through the police power of the State.

The following model nuisance ordinance has been prepared by the State Department of Health as a general suggestion for Pennsylvania municipalities.

Local officials should carefully study the draft and determine its applicability to local conditions.

Any changes made to meet local requirements should receive the approval of the local law officer before enactment of the ordinance; for the suggested draft has been approved by the Auditor General of the Commonwealth as to legal form and compliance with requirements of the constitution.

The State Department of Health will be pleased to furnish additional information or advice, if requested by the local authorities.

AN ORDINANCE

for the protection of the public health; defining public or common nuisances; providing regula-

tions for their control and abatement; for enforcement thereof, and penalties for violation.

ARTICLE I.

Definitions.

Section 1. Be it ordained by the Council of, Pennsylvania, and it is hereby ordained by authority of the same; that for the purposes of this ordinance a public or common nuisance shall be considered as that which is set up, maintained or continued, so as to be injurious to the health or an obstruction to the use of property by interfering with the repose, health, safety or life of any considerable number of persons.

Section 2. For the purposes of this ordinance the term "waters of the State" wherever used, shall include all streams and springs, and all bodies of surface and of ground water, whether natural or artificial, within the boundaries of the State.

ARTICLE II.

Sewage Disposal.

Section 1. No privy, cesspool or other receptacle for human excrement shall be constructed, maintained or used so that flies have or may have access to the excrementitious matter contained therein.

Section 2. No privy, urinal, cesspool or other receptacle for human excrement shall be constructed, maintained or used which directly or

indirectly drains or discharges over or upon the surface of the ground, or into any waters of the State.

Section 3. All privies, urinals, cesspools or other receptacles for human excrement shall be cleansed at sufficiently frequent intervals to prevent the contents from overflowing.

Section 4. The transportation of human excrement shall be effected in water-tight containers with tight fitting covers. Containers shall be thoroughly cleansed after each use.

Section 5. No human excrement or material containing human excrement shall be placed on the surface of the ground or buried or otherwise disposed of within 100 feet of or where it is likely to gain access to any waters of the State, unless subjected to treatment by a method approved by the Board of Health.

Section 6. The contents of privies, cesspools or other receptacles for human excrement shall not be used on ground within the corporate limits of unless subjected to treatment by a method approved by the Board of Health, and in accordance with regulations of the State Department of Health.

Section 7. No privy, cesspool or similar receptacle for human excrement shall be constructed, maintained or used on premises where a sewer is at all accessible which is part of a sewer system from which sewage is lawfully discharged into the waters of the State.

Section 8. No privy, urinal, toilet or other receptacle for human excrement shall be constructed, maintained or used in any room, or have direct connection with any room wherein any kind of exposed foods or foodstuffs are prepared, stored or handled.

Section 9. No kitchen or laundry water shall be discharged or be permitted to discharge or flow into any gutter, street, roadway or public place.

Section 10. When kitchen or laundry waste water is disposed of by throwing onto the surface of the ground, borax, unslaked lime, hypochlorite of lime or other approved disinfectant and deodorant shall be applied thereto in a sufficient quantity to prevent offensive odors and the breeding of flies.

ARTICLE III. Decaying Matter.

Section 1. No garbage, pomace, offal, dead animals, decaying matter or organic waste substance of any kind shall be thrown or deposited in any ravine, ditch or gutter; on any street or highway; into any waters of the State or be permitted to remain exposed upon the surface of the ground.

Section 4. Manure shall not be allowed to accumulate in or near stables, piggeries or roosts for a period of more than three days

unless it is adequately protected against the breeding of flies.

Section 5. Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

Section 6. The carcass of any dead animal shall be removed and disposed of by burial, incineration or other proper method within twenty-four hours after death. If the carcass is buried it shall be placed so that every part shall be covered by at least two feet of earth and at a location not less than 100 feet from any well, spring, stream or other surface waters, and in a place not subject to overflow.

In all cases of death from communicable disease, the carcass, if disposed of by burial, shall first be thoroughly enveloped in unslaked lime.

Proper disposal shall be made by the owner of the animal or by the owner of the property on which the dead animal is found. Where the owner of the animal is unknown and the carcass is found upon any street, alley or other public place, it shall be removed and disposed of by the Board of Health at public expense.

ARTICLE IV. Stagnant Water.

Section 1. All marshes or swamps, and all pools or ponds, either natural or artificial, shall be maintained by the owners free from the breeding of mosquitoes. If treatment is required to prevent the breeding of mosquitoes, it shall be accomplished by filling, draining, stocking

with larvae-eating fish, treating with larvacide or mineral oil or by some other method approved by the Board of Health.

Section 2. No person shall maintain or permit to be maintained any privy vault, cesspool, well, cistern, rain barrel, or other receptacle containing water in such a condition that mosquitoes may breed therein.

ARTICLE V.

Objectionable Establishments and Industrial Wastes.

Section 1. No person, partnership, firm or corporation maintaining a slaughter house, rendering works, depository of dead animals, glue works, tannery, woolwashing establishment, paper mill, by-product coke oven, dye works, oil refinery, dairy, creamery, cheese factory, milk station or similar establishment; or engaged in the manufacture of gas, chemicals, explosives, fertilizers, or similar products; or in the business of soap making, fish oil extraction, bone boiling or similar occupation; shall allow any noxious exhalation, odors or gases that are deleterious or detrimental to public health to escape into the air, or any substance that is deleterious or detrimental to public health to accumulate upon the premises; or be thrown or allowed to discharge into any street, roadway or public place; or be thrown or allowed to discharge into any stream or other waters of the State.

Section 2. All slaughter houses, rendering works, bone boiling establishments, depositories for dead animals, garbage disposal works, piggeries and similar establishments handling organic matter shall have an adequate water supply for the purpose of keeping the place clean and sanitary. All floors shall be constructed of concrete or other impervious material and shall have adequate provision for drainage to a cesspool approved by the Board of Health, or to a sewer or treatment works approved by the State Department of Health.

Section 3. No pigsty or piggery shall be built or maintained on marshy ground or land subject to overflow, nor within 100 feet of any stream or other source of water supply, nor within 300 feet of an inhabited house or public meeting house on an adjoining property. When garbage is fed to pigs provision shall be made so that all unconsumed garbage shall be removed daily and disposed of by burial or incineration. No organic material furnishing food for flies shall be allowed to accumulate on the premises. All garbage shall be handled and fed upon plat forms of concrete or other impervious material. Unslaked lime, hypochlorite of lime, borax or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

ARTICLE VI.

Water Supply.

Section 1. No owner or occupant of any premises shall maintain any well, spring, cistern

or other source of water supply used for drinking or household purposes and to which the public has or may have access and which is polluted or which is so situated or constructed that it may become polluted in any manner that may render such water supply injurious to health.

ARTICLE VII.

Enforcement.

Section 1. It shall be the duty of the Board of Health to enforce the terms of this ordinance and secure compliance with the requirements thereof.

ARTICLE VIII.

Penalties.

Section 1. Any person, partnership, firm or corporation violating any of the provisions of this ordinance shall upon conviction thereof before any Justice, Alderman or Magistrate be subject to a fine of not more than..... for each offense, and in default of the payment of said fine and costs of prosecution shall be imprisoned for a period of not exceeding..... days.

ARTICLE IX.

Repeal of Inconsistent Ordinances.

Section 1. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.



